

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: November 13, 2008
TIME: 8:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 227 French Landing
Nashville TN 37243

BOARD MEMBERS

PRESENT: Andrea Selby, D.C., President
Craig Ratcliff, D.C., Secretary
Barry Kelton, D.C.
Chris Alexander, D.C.
Sheila Fitzgerald, Citizen Member
Gina Hampton, Citizen Member

BOARD MEMBERS

ABSENT: Michael Massey, D.C., Vice President

STAFF PRESENT: Sherry Owens, Board Administrator
Elizabeth Miller, Director, Health Related Boards
Barbara Maxwell, Administrative Director
Andrea Huddleston, Advisory Attorney

Dr. Selby, President, called the meeting to order at 8:10 a.m. A sufficient number of Board members were present to constitute a quorum.

Review/Approve August 21, 2008 Board Meeting Minutes

Upon review of the August 21, 2008, Board meeting minutes, Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to approve the minutes as written. The motion carried.

Conflict of Interest Policy Statement

Ms. Huddleston discussed the new Conflict of Interest Policy Statement with the Board. Ms. Miller asked the Board members to sign the new policy statement.

Ms. Huddleston asked all Board members to disclose any potential conflict of interest to determine if a conflict exists and whether or not the member should leave the hearing room during the proceedings.

Criminal Background Checks

An applicant who applies for licensure is required to submit a criminal background check. The Board voted to put a limit on criminal charges. The Board voted to require anyone with two (2) or more misdemeanors in a five (5) year period or a felony to appear before the Board. The drafted Policy Statement will be presented at the February 2009 Board meeting for approval.

Discuss Animal Chiropractic

Dr. Selby was asked by the Board members to monitor discussions between the Tennessee Chiropractic Association and Board of Veterinarian Examiners and to report back to the Board on this issue.

Discuss and Consider Rule Change Regarding Fees for Renewals and Applications

Dr. Selby suggested cutting the renewal and application fees in half. Upon discussion, Dr. Ratcliff made a motion, seconded by Dr. Alexander, to reduce the renewal fees 25%. The motion carried.

Ms. Huddleston stated she will draft the language for the February 2009 meeting.

Articles for the Newsletters

Ms. Owens stated that Barbara Maxwell is preparing the newsletters to go out and asked the Board members if they had any information they wanted in the newsletter.

Ms. Fitzgerald asked if the e-mail address request could be added in the newsletter. Ms. Owens stated that information would go in the newsletter.

File Review

Upon review of the application of **Jonathan Sweeney DC**, Dr. Kelton made a motion, seconded by Ms. Fitzgerald, to table full licensure until the February 2009 Board meeting and grant the applicant a temporary license provided Dr. Sweeney has random drug screens, completes a first offenders program and obtains an AA sponsor before the February 2009 Board meeting. The motion carried.

Upon review of the application file of **Daniel Roth, DC**, Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to approve Dr. Roth for licensure. The motion carried.

Upon review of the application file of **David Browand, DC**, Ms. Fitzgerald made a motion, seconded by Dr. Ratcliff, to approve Dr. Browand for licensure. The motion carried.

Upon review of the application file of **Jennifer Johnson, DC**, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to approve Dr. Johnson for licensure. The motion carried.

Upon review of the application file of **Brandon Kassinger, DC**, Dr. Alexander made a motion, seconded by Ms. Fitzgerald, to approve Dr. Kassinger for licensure. The motion carried.

Investigative Report

Ms. Owens reviewed the Investigative Report stating the Board has thirty-nine (39) open complaints in investigations against Chiropractors, four (4) against CTA's and none against CXT's.

Dr. Selby asked at what point is it determined that a complaint should go forward as a case. Ms. Owens said she would request that Ms. Moran, Director of Investigations, attend the February 5, 2009 Board meeting to answer any questions the Board may have regarding complaint procedures.

Dr. Selby asked what the procedures are being used for Chiropractors who failed to complete their continuing education. Ms. Owens stated that Agreed Citations have been sent for the non-compliant licensees to sign. Ms. Owens stated that all but two (2) have been sent back.

Monitored Practitioners Report

Ms. Owens reviewed the Monitored Practitioners Report stating there are currently eight (8) practitioners being monitored. Ms. Owens said Ms. Newcomb has complied with the stipulations of her order and will be taken off the list by the next meeting.

Financial Report

Ms. Owens stated the Board has a cumulative carryover of \$228,251.21 as of June 30, 2008.

Administrative Report

Ms. Owens reviewed the Administrative Report stating there are currently 992 licensed chiropractors, 109 licensed chiropractic x-ray technicians and 388 licensed chiropractic therapy assistants.

Ms. Owens said the 2007 continuing education audit is complete and out of the twenty-seven (27) agreed citations sent to those who failed to obtain the required continuing education, twenty-five (25) signed the citations and paid the appropriate penalties. Ms. Owens said two (2) practitioners paid the penalty but did not sign and return the citation.

Contested Case Hearing for Roger Byrd

Lynn England, Administrative Law Judge, presided over the hearing for Roger Byrd, DC. Andrea Huddleston, Assistant General Counsel, represented the State of Tennessee and Mr. Robert Green of the Memphis Bar and Mr. Frank Scanlon of the Nashville Bar represented Roger Byrd, DC.

Ms. Huddleston presented an affidavit to the Board and distributed the Notice of Charges for the Board to review. Ms. Huddleston stated that Roger Byrd, DC owned and operated Memphis Accident and Injury Centers (MAIC) both in Florida and Tennessee and that Dr. Byrd was operating a telemarketing office in Florida to solicit Tennessee residents.

Upon review, Ms. Fitzgerald made a motion, seconded by Dr. Kelton, to accept the proposed findings of facts. The motion carried.

Upon review, Dr. Kelton made a motion, seconded by Dr. Alexander to accept the conclusions of law as amended. The motion carried.

Upon conclusion, Ms Fitzgerald made a motion, seconded by Dr. Alexander, to revoke Dr. Roger Byrd's chiropractic license. The motion carried.

Dr. Selby stated it is the policy of this Board to protect the health and welfare of the citizens of the State of Tennessee.

Approval Procedure to Approve Initial Applications

Dr. Ratcliff made a motion, seconded by Dr. Kelton, to delegate the approval of initial applications under Rule 0260-2-.07 (2), 0260-5-.07 (2) and 0260-3-.07 (2) to Sherry Owens, Board Administrator. The motion carried.

Rules

Ms. Huddleston asked the Board to authorize a rulemaking hearing. Ms. Huddleston suggested that the acupuncture continuing education rule be changed to twelve (12) hours every two years and make it clear that practitioners can only use acupuncture hours as part of their twenty-four (24) hours if they are working toward acupuncture certification. Dr. Selby stated that chiropractors not practicing acupuncture cannot get continuing education in acupuncture. Ms. Huddleston will prepare a draft of the language to reflect that statement. The proposed rule amendment will be presented at the February 5, 2009 meeting.

Review/Ratify Newly Licensed Chiropractors, CXT's and CTA's

Upon review, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to approve the following lists.

Chiropractors

Scott Close
Mark Drentlaw
Sandra Easter
Edward McCullough
Karen Naymik
Stephanie Popejoy
Catherine Sheldon
Samuel Tarrant

CTA's

Judi Bath
Beverly Buckles
Robert Cardwell
Sheila Cox
Linda Crisp
Emily Davis
Judith Davis
Angela Dennis
Deborah Dufour
Kelly Garrison
Crystal Holt
Scott Ingell
Laverne Isaacs
Natasha Kyle
Scarlett Merritt
Sharon Slagle
Mary Stout
Jennifer Tench
Estrellita Velez

CXT's

Crystal Holt
Louanne McBride
Mary Stout

The motion carried.

Continuing Education Course Review

Upon review, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to approve the following continuing education courses:

Pettibon Technique Seminars/Palmer Chiropractic College

Various Dates 2008

Various Locations

Thomas Andrews DC and Ryan Doyle DC

12 hours per session

Fall Lyceum/International Research and Philosophy Symposium

October 17-19, 2008

Spartanburg SC

Various speakers

13.5 hours max

******All Philosophy classes DENIED******

Lyceum 2008/Life University

October 23-26, 2008

Marietta GA

Various Speakers

30 hours

******DENIED ARE FLORIDA AND GEORGIA LAW CLASSES AND THE CLASS BY WILLIAM ESTEB, The Patient in Patient Education DENIED*******

Lensgraf Clinical and Medical Center/MUA Seminar

October 30 and November 1, 2008

Knoxville TN

Dr. Kelly

34 hours

SOT/Cranial Applications: Diagnosis and Treatment/Texas Chiropractic College

November 8 and 9, 2008

Louisville KY

Kurt Larson DC, FICS

12 hours

Atlas Orthogonal Advance Seminar/Sherman College

October 17-19, 2008

Atlanta GA

Roy Sweat DC and Matthew Sweat DC

12 hours

Cervical and Lumbar Dissection/Sherman College

November 15-16, 2008

Spartanburg SC

Roy Sweat DC and Charles Vuyiya DC

12 hours

TCM Treatment fo Female Gynecological Conditions and TCM Treatment of Male Disorders/Logan **DENIED******

November 8-9, 2008

Chesterfield MO

Joshua Myroitz DC

12 hours

*******DENIED******

Advanced Patient Classification, Modalities and Rehab

October 4 and 5, 2008

Atlanta GA

Jay Kennedy DC

12 hours

Electro-Acupuncture, Bio-Electric Principles, Evaluation and Treatment

October 11 and 12, 2008

Chesterfield MO

Gary Dittson DC

12 hours

Clinical Documentation of Chiropractic

October 18 and 19, 2008

Memphis TN

Gregg Friedman, DC, CICE, CCSP, FIACA

12 hours

SomatoEmotional Release I Workshop/Upledger Institute

November 6-9, 2008

Indianapolis IN

Tim Hutton, PhD, LMP, CST-D

24 hours

Contact Reflex Analysis and Designed Clinical Nutrition Seminar/Life

Chiropractic College

October 18-19, 2008

Louisville KY

Dick Versendaal DC

12 hours

Clinical Posture Assessment, Therapy and Exercise

October –December 2008

Various locations

Steven Weiniger DC

12 hours

Hours approved for CTA's also

Physical Medicine and Rehabilitation Part 1 and 2

Spinal Decompression Part 1 and 2

Online

Guy Annunziata DC

12 hours

(only 6 hours can be counted for CEU's)

ProSport/Footlevelers

December 4-7, 2008

Las Vegas, NV

Various speakers

18 hours

Charrette Adjusting Protocols

Various locations

November and December 2008

Mark Charrette DC

12 hours

Sacro Occipital Technique/Cranial/Life University

Atlanta GA

November 1 and 2, 2008

Marty Rosen DC

12 hours

Metagenics Educational Program/Unlocking the Secrets of Gluten Sensitivity

Nashville TN

October 25, 2008

Thomas O'Bryan DC

6 hours

Evidence Based Outcomes 201

Online

6 hours

Florida Chiropractic Association Winter Convention and Exposition 2008

Naples, FL

November 20-23, 2008

Various Speakers

66 hours of the 104 are approved

The following courses ARE DENIED;

Florida Licensing Laws and Rules..11/20/08 and 11/22/08

4 Coding and Documentation Mistakes to Avoid..11/21/08

The Keys to Education, Retention and Growth..11/21/08

Massage Your Practice...11/21/08

Get it in Writing by Design, Not Default...11/21/08

The Art and Science of CPT Coding and Documentation...11/22/08

Brining Order out of Chaos...11/22/08

How to Develop a Patient Driven Practice...11/22/08

Practice Solutions to Pocket More Cash...11/22/08

Risk Management in the Chiropractic Practice...11/22/08

Record Keeping in the Chiropractic Office...11/22/08

Powerful Procedures that Pack the Punch...11/22/08

CPT Coding Documentation and Medical Necessities..11/23/08

Class IV Laser Overview, Safety Protocols and Case Studies...11/23/08

Laser Safety and Laser Safety Protocols...11/23/08

Graston Technique Module 1

Aurora CO

November 8-9, 2008

Thomas Hyde, DC

14 hours

Torque Release Technique

Dallas TX
November 7-8, 2008
Jay Holder DC
15 hours

Visceral Manipulation Abdomen 1 DENIED*****

West Palm Beach FL
December 4-7, 2008
Dee Dettman Ahern, RPT
24 hours
DENIED*****

ConservCare Lumbar Spine Symposium

Memphis TN
November 8-9, 2008
Larry Wyatt DC, Bruce Fox DC and Richard Cole DC
12 hours
Approved for DC and CTA

CBP Lumbar Structural Rehabilitation/Life University

Phoenix AZ
December 6 and 7, 2008
Deed Harrison DC
12 hours

Manipulation Under Anesthesia/Lensgraf Clinic

Knoxville TN
November 20-22 and December 18-20, 2008
Robert Gordon DC, FABCS, FRCCM, DAAPM
34 hours

Doctor of the Future/Texas Chiropractic

Atlanta GA
November 8 and 9, 2008
Stuart White DC
12 hours

Exercise Protocols for the Chiropractic Practice/Logan

St Louis MO
November 22-23, 2008
Kevin McClain DC, CCSP
12 hours

WAAA Seminar on Aging

Las Vegas NV
December 10-14, 2008
Various Speakers
24 hours

*****Only Pain Management Session on Thursday December 11 7:45 to 12. 4 hours only***
All other classes in this seminar DENIED***

Spinal Disc Pathology/Northwestern/Footlevelers

Columbus OH

December 6-7, 2008

John Hyland, DC, MPH, DACBR, DABCO

Margaret Seron, DC, DACBR, DABCO

12 hours

Correspondence

Upon review of a letter from **Audra Arstikaitis-Nagel DC** requesting exemption from the 2008 continuing education requirements due to illness in her family, Ms. Fitzgerald made a motion seconded by Dr. Alexander, to approve her request. The motion carried.

Ratify Agreed Citations

Upon review of the Agreed Citations, Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to approve the citations for the following practitioners who failed to obtain the required continuing education hours for 2007 and submitted the \$600.00 penalty:

Bryan Ardis
Michele Benoit
Edward Blanco
Barry Bridges
Suman Chaudhuri
Michael Capobianco
Cecil Collins Jr
Crawford Compton
Brent Davis
Jesse Dean Amos III
Karen Feeley
James Goldman

Charles Hendricks
Mark Holliman
Bobby Jackson
Chad Jacobs
Matthew Lester
Jason Malucci
Carole Martin
Michael Plambeck
Paul Porceddu
Russell Smith
Renwick Tucker
Angela Walk

Roger Ward

The motion carried.

With no other Board business to conduct Dr. Ratcliff made a motion, seconded by Ms. Fitzgerald, to adjourn the board meeting at 5:51 p.m. The motion carried.

Ratified by the Board of Chiropractic Examiners on February 5, 2009.